

## **AGENDA**

### **COMMITTEE ON JOINT SCHOOL BUILDINGS**

**July 27, 2004**

**School Cmte. Members Herbert,  
Beaudry, Cote, Perry, Kelley  
Aldermen Roy, Porter, DeVries,  
Garritty, Thibault**

**7:00 PM**

**Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Chairman Herbert calls the meeting to order.
2. The Clerk calls the roll.
3. Presentation of Facility/Energy Management System by Johnson Controls.
4. Update on the School Facilities Improvement Project.
5. Communication from Solicitor Clark relative to proper use of contingency funds in the amount of \$381,106 for the new stairwells at Southside and Hillside Middle Schools.  
**Ladies and Gentlemen, what is your pleasure?**
6. If there is no further business, a motion is in order to adjourn.



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## Monthly Report – July

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City of Manchester  
Joint School Building Committee Meeting: July 27, 2004  
School Facilities Improvement Project

### 1.0 Budget:

- Budget overview summary attached.

### 2.0 Schedule:

- Project schedule overview attached.

### Activity Summary:

Central High School exterior wall construction for the building addition is progressing with brick work installation ongoing. Also, CHS garage floor placement has been completed. WHS new exterior wall construction is complete. MEP and roof replacement continues at Webster ES and Gossler ES. Overhead CHS and WHS fire protection and alarm, electrical work and painting continues. Foundation placement is nearing completion at Hillside MS, and masonry wall construction activities are ongoing at both Hillside MS and Southside MS. Steel erection is ongoing at Memorial HS. The first two schools are nearing completion and final turnover to the City; Jewett Street Elementary School and Smyth Road Elementary School. Abatement activities at Central High School, West High School, Memorial High School, Hillside Middle School, Parkside Middle School, Webster Elementary School, Hallsville Elementary School, Parker Varney Elementary School, and Highland Goffs Falls Elementary School commenced immediately after the last day of school. There is ongoing contact with local utility companies (Keyspan, PSNH, DPW and Verizon) to coordinate work efforts, shutdowns, etc. There is ongoing contact with school principals for user review/approval of final material color selections and furniture selection (media centers, specialty areas, etc..

### 3.0 Previous Months Progress (17 June 04 – 21 July 04):

- Central High School Steel Fireproofing Ongoing
  - (Renovation) Interior Painting Ongoing
  - Link Demolition June 23
  - Garage Floor Placement Completed July 02
  - Interior Sheet Rock Installation Ongoing
  - Connector Steel Commencement July 20
  - Courtyard Slab Waterproofing Commencement
  - Fire Protection Ongoing in Practical Arts
  - Exterior Wall Insulation Ongoing
  - Exterior Brick Installation Ongoing
  - Oil Tank Removal Complete
- West High School Ceiling Grid Installation Ongoing
  - Exterior Window Installation Complete
  - Auditorium Restoration Ongoing
  - Fire Protection Ongoing in Bean
  - Fire Alarm in Mackin & Bean Nearing Completion
  - Interior Painting in Mackin and Addition Ongoing
  - Courtyard Student Inclusion Program Complete
- Memorial High School Gymnasium CMU Complete
  - Classroom Foundation Complete
  - Steel Erection and Decking Nearing Completion
  - Interior Renovation MEP Ongoing
  - Boiler Demolition Ongoing



- Gossler Park Elementary School Exterior Ductwork Installation Nearly Complete
  - Set Remaining 4 of 7 Roof Top Units
  - Interior Painting Continues
  - Installation of Roof (Admin & Classroom) Ongoing
  - Abatement Complete
  - VCT Floor Installation – 2<sup>nd</sup> Floor
  - Painting Ongoing
- Webster Elementary School MEP Installation Ongoing
  - Webster ES Fin Tube Radiation / Pipe Demolition Ongoing
  - Webster ES Chimney Rebuild Ongoing
- Hillside Middle School Cafeteria Foundation Complete
  - Cafeteria CMU Ongoing
  - Classroom Foundation Complete
  - Classroom CMU Ongoing
  - MEP Ongoing
  - Boiler Demolition Ongoing
  - Roof Installation Ongoing
- Southside Cafeteria Foundation Complete
  - Cafeteria CMU Ongoing
  - Classroom CMU Ongoing
  - MEP Ongoing
  - Boiler Demolition Ongoing
  - Roof Installation Ongoing
  - Abatement Complete
- Smyth Road Elementary School Exterior Ductwork Installation Nearly Complete
  - Interior Painting Complete
  - RTU Balancing Ongoing
  - Installation of Roof Ongoing
- Jewett Street Elementary School Installation of Roof Ongoing
  - Exterior Ductwork Installation Nearly Complete
  - RTU Balancing Continues
  - Interior Painting Nearing Completion
- Weston Elementary School Abatement Complete
  - Flooring Installation Commence
  - Ceiling Demolition Ongoing
- Abatement Activities at 8 Schools Ongoing
- Safety Meetings Ongoing
- OCIP Enrollment Ongoing
- Ongoing Weekly Project Status Meetings
- Final as needed Code Review/Approval Meetings with Manchester Building & Fire Department
- Manchester Resident Employment Report (attached)

**4.0 Upcoming Activities:**

- Central High School Auditorium Renovations Continue
  - Interior Painting in Industrial Arts Complete
  - Exterior Wall Erection Continues
  - Link Construction Continues
- West High School Administration Office Relocation
  - Renovation Painting
  - Elevator Construction Continues

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- Memorial High School Gymnasium Steel Erection to Commence
  - Classroom & Gymnasium Slab Placements
- Smyth Road Mechanical System Testing & Balancing
- Jewett Street Mechanical System Testing & Balancing
- Gossler Park Elementary School Roofing Completion
  - Exterior Ductwork Completion
  - Testing, Balancing, Commissioning of RTUs
  - Classroom Vanity Replacement
  - Gym Lighting Replacement
  - VCT Flooring Completion
  - Painting Completion
- Webster Elementary School MEP Continues
  - VCT Floor Completion
  - Painting Starts
  - Chimney Extension Completion
- Parkside Middle School VCT Floor Installation – 2<sup>nd</sup> Floor
- Weston Elementary School Flooring Installation Continues
  - MEP Installation Ongoing
- Summer Abatement Activities Complete
- Final Design Submission of the Program – MST Construction Documents
- OCIP Enrollment Ongoing
- User input from school principals/departments heads

**5.0 Critical Issues:**

- Asbestos Abatement
- Floor Installation
- CHS Link Construction
- OCIP Enrollment

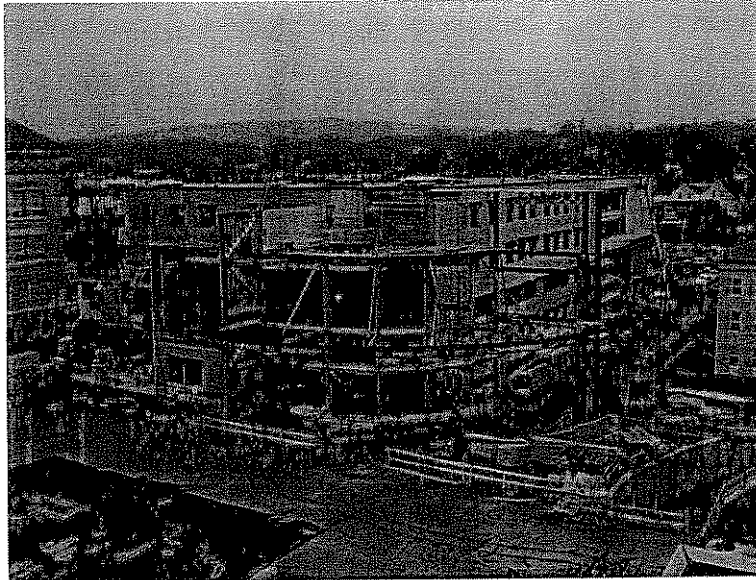
**6.0 New Issues:**



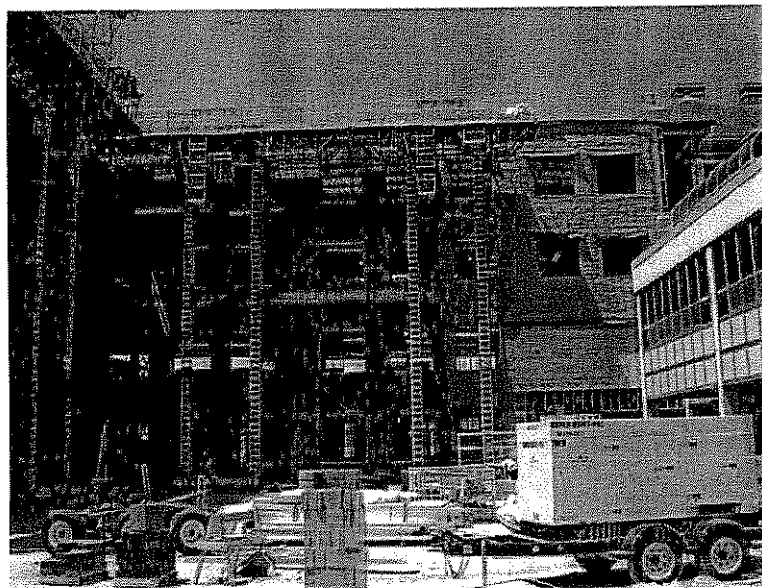
## 6.0 Progress Photos

Late June to Mid July

Central High School Entrance from  
Courtyard



Central High School Quad Exterior Wall  
Construction

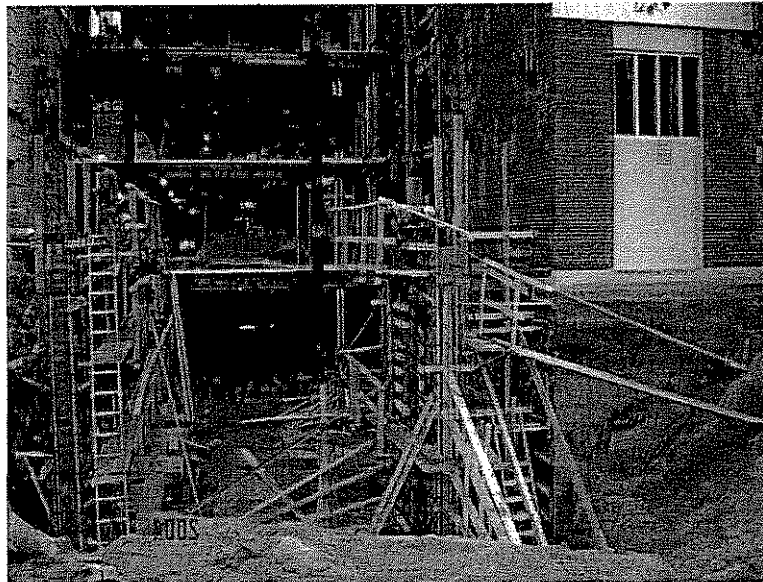




### Central High School Auditorium Renovations



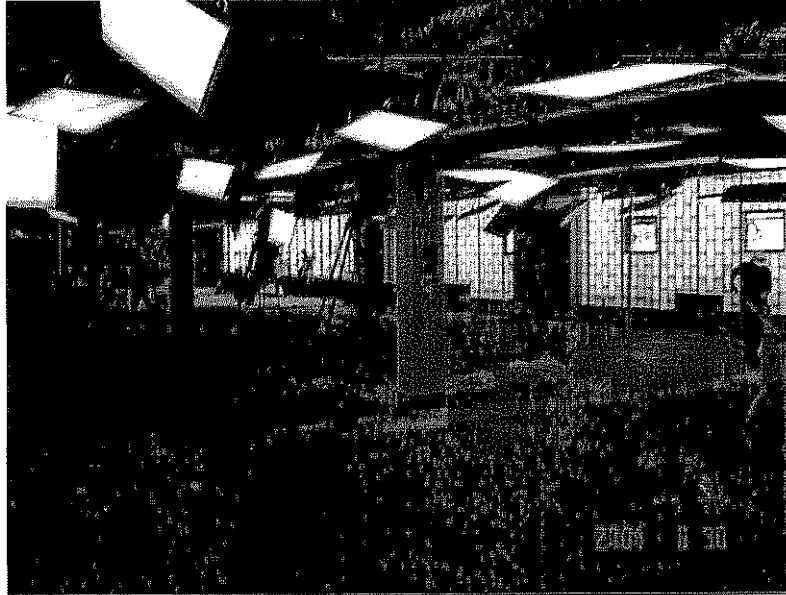
### Central High School Garage Entrance at Link



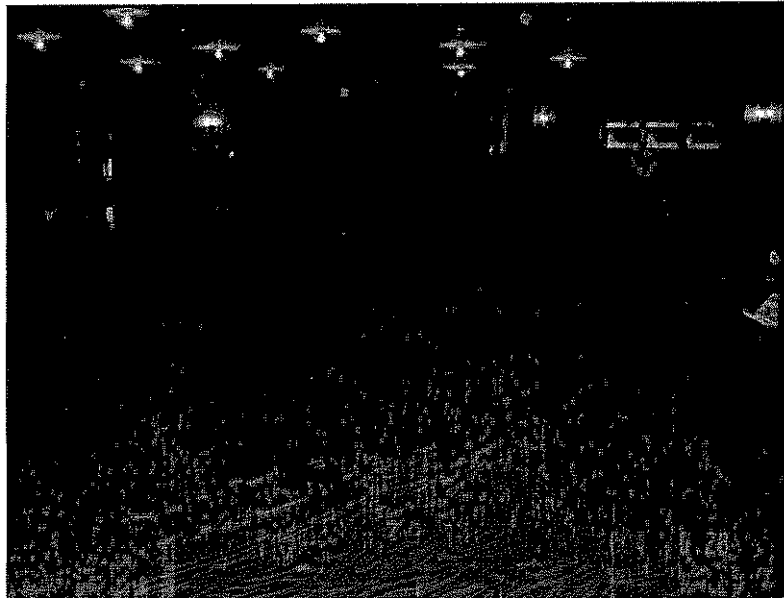
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### West High School Library Renovations

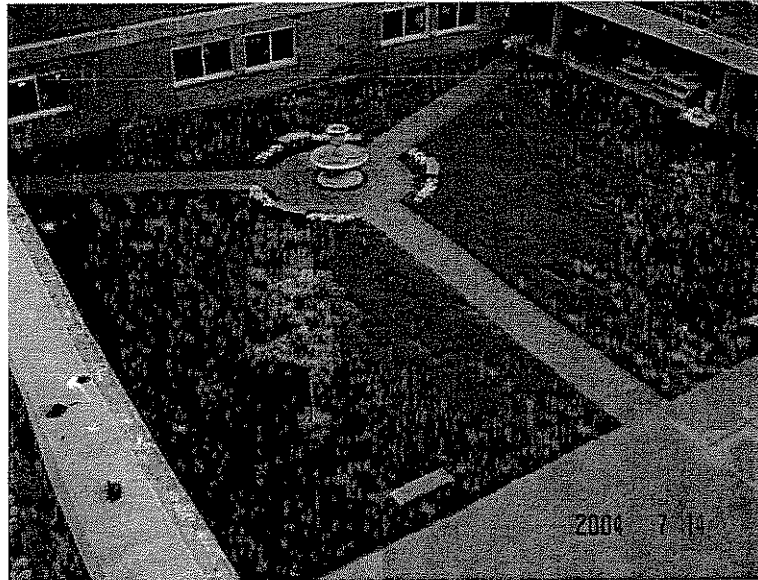


### West High School Auditorium Renovations

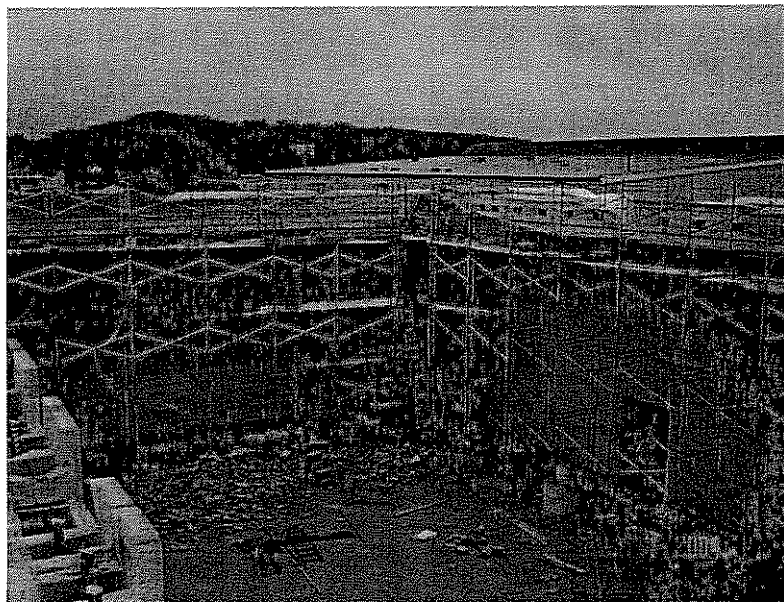




West High School Courtyard



Memorial High School Gymnasium Addition Concrete Block



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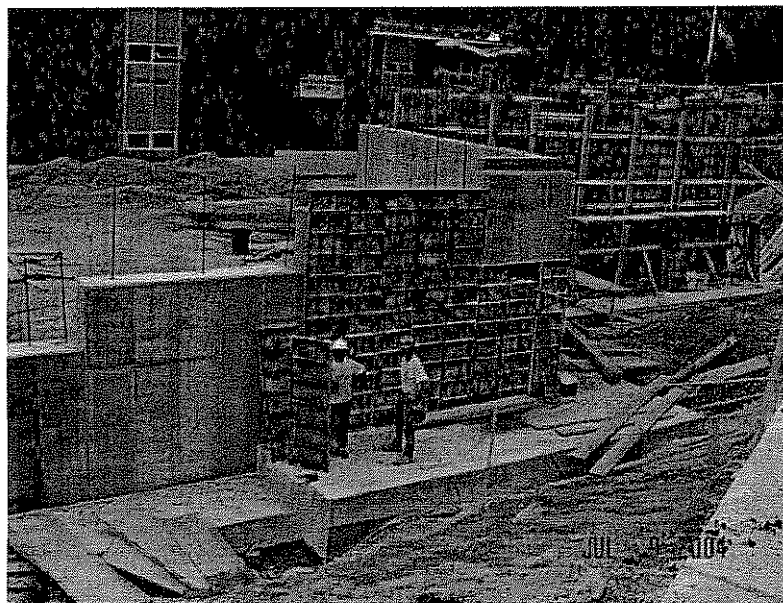




### Memorial High School Classroom Addition



### Hillside Middle School Classroom Addition Foundation

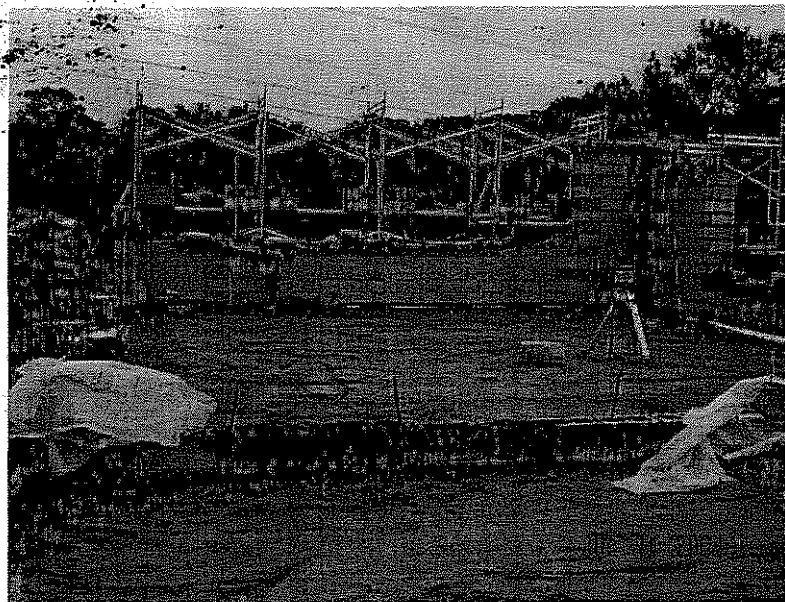




### Hillside Middle School Classroom Floors

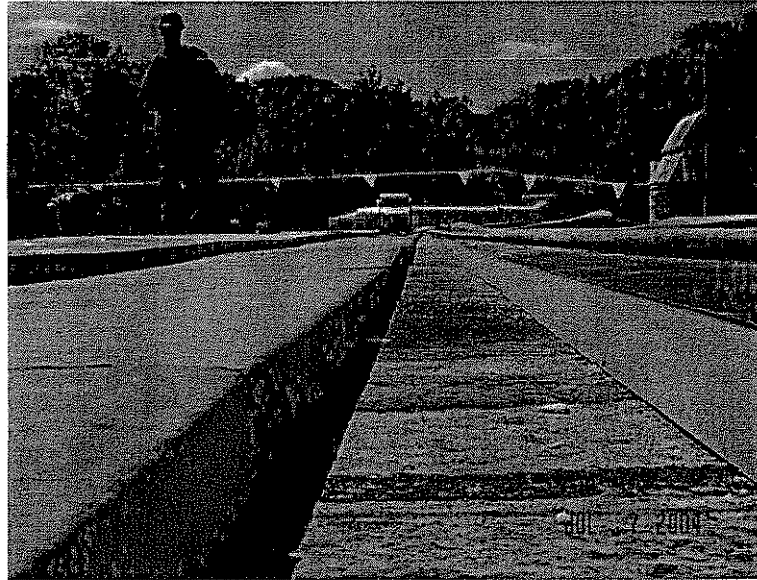


### Southside Middle School Classroom Addition

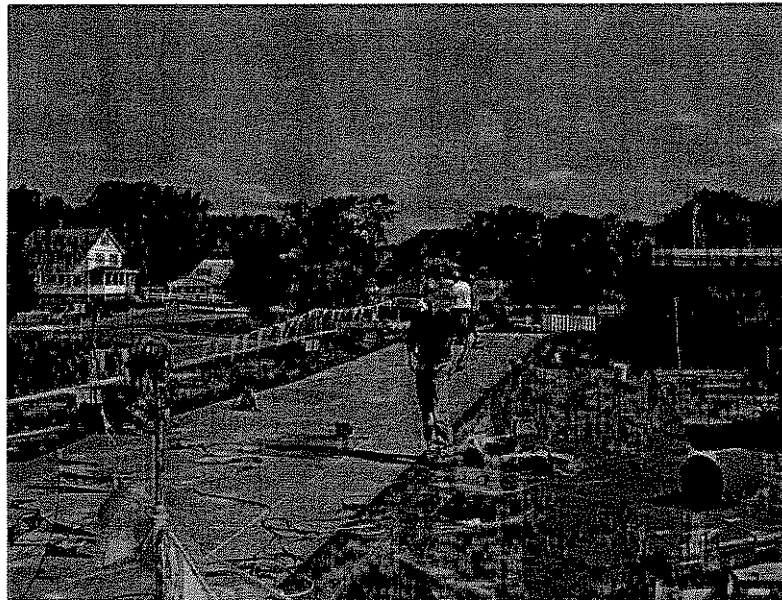




Smyth Road ES Roof Insulation Installation

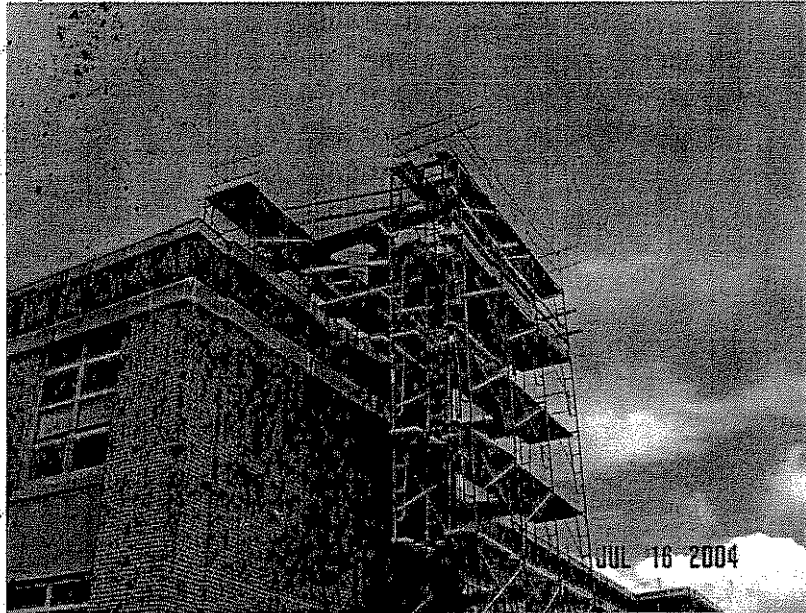


Jewett Street Roof Installation

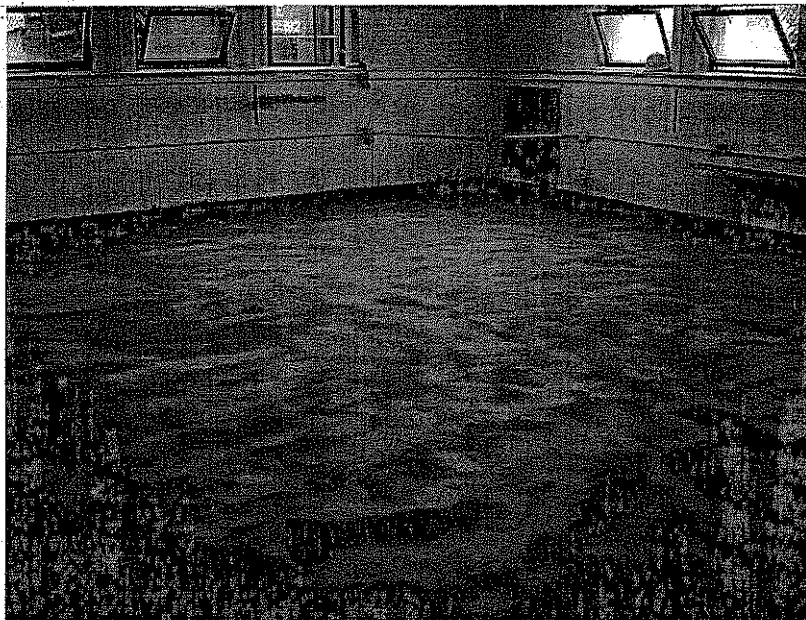




### Webster Chimney Extension



### Hallsville ES Flooring Removal and Preparation for New



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**JOINT SCHOOL BUILDING COMMITTEE**

HIGHWAY DEPARTMENT / PROJECT FINANCIAL REPORT

20-Jul-04

**DESIGN/BUILD/FINANCE SCHOOL IMPROVEMENT PROGRAM - Project #310303**

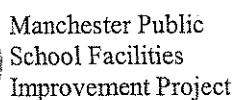
<b>BUDGET</b>
<b>108,495,000</b>

FUNDING	SOURCE:	Bond
FY03 CIP	School Revenue Bond	\$101,410,000.00
FY03 CIP	Gen.Obligation Bond	\$3,590,000.00
FY03 CIP	Earned Interest	\$3,495,000.00

AUTHORIZED VENDOR DESCRIPTION AND APPROVAL DATE	BUDGET	AMOUNT ENCUMBERED	PERCENT COMPLETE	AMOUNT EXPENDED	RETAINAGE HELD
<b>Arthur J. Gallagher &amp; Co.</b>					
Insurance Administrative & Broker Services	\$250,000.00	\$130,000.00	48%	\$120,000.00	
Primary insurance of \$25,000,000	\$265,000.00	\$0.00	100%	\$265,000.00	
Excess insurance of \$25,000,000	\$130,000.00	\$0.00	100%	\$130,000.00	
<b>Liberty Mutual Insurance Company</b>					
OCIP Premiums	\$1,479,523.00	\$0.00	100%	\$1,479,523.00	
Workmen's Compensation Premium	\$25,000.00	\$0.00	100%	\$25,000.00	
OCIP Loss Fund	\$412,500.00	\$384,999.60	7%	\$27,500.40	
<b>Other Expenses</b>					
Information Systems - Computer equipment	\$379.95	\$0.00	100%	\$379.95	
PSNH - West HS 3Phase High Voltage Install	\$5,000.00	\$0.00	100%	\$5,000.00	
PSNH - Central HS 3Phase Primary & Transformer	\$15,205.99	\$0.00	100%	\$15,205.99	
Fernando Insurance - CHS Statue Insure	\$7,500.00	\$0.00	100%	\$7,500.00	
Ropes & Gray - Consultant Services	\$138,321.64	\$0.00	100%	\$138,321.64	
Albert Risk Management Consultants - OCIP	\$2,217.75	\$0.00	100%	\$2,217.75	
Seacoast Diversified - West HS Strip lead paint	\$4,920.00	\$0.00	100%	\$4,920.00	
CED TwinState - Smyth,Jewett Light Fixtures	\$2,578.30	\$0.00	100%	\$2,578.30	
Building Permits	\$840,000.00	\$479,014.00	43%	\$360,986.00	
United Oil Recovery -Remove oil from CHS tank	\$675.00	\$0.00	100%	\$675.00	
RPF Associates, Inc. - Dust Settling Testing	\$2,400.00	\$2,400.00	0%		
<b>Program Management Services</b>					
DMJM H&N	\$3,000,000.00	\$1,973,951.97	34%	\$1,026,048.03	
<b>Design &amp; Construction Services</b>					
Gilbane Building Company - Base Contract	\$94,900,200.00	\$66,609,539.81	30%	\$28,290,660.19	\$2,041,693.14
<b>Contingency/JSBC Approved Expenses</b>	<b>\$5,650,000.00</b>				
Hazmat removal - JSBC 3/23/04 NTE Limit	\$1,083,439.00				
Hillside MS Stairs - JSBC 5/05/04 NTE Limit	\$190,931.00				
Southside MS Stairs - JSBC 5/05/04 NTE Limit	\$190,175.00				
<b>Program FF&amp;E</b>					
Furnishings, Fixtures and Equipment	\$2,000,000.00	\$0.00	0%	\$0.00	
<b>Change Orders</b>					
C.O. #1: Wall System Rev	\$0.00	\$0.00	0%	\$0.00	
C.O. #2: Cable Reroute	\$0.00	\$0.00	0%	\$0.00	
C.O. #3: Gym Floor Lines	\$0.00	\$0.00	0%	\$0.00	
C.O. #4: Jewett Repainting	\$0.00	\$0.00	0%	\$0.00	
C.O. #5: Middle School Structure	\$0.00	\$0.00	0%	\$0.00	
C.O. #6: Rebuild Chimneys	\$0.00	\$0.00	0%	\$0.00	
		\$0.00	0%	\$0.00	
<b>Contingency Authorized to Date</b>	<b>\$1,464,545.00</b>				

JSBC APPROVED CONTINGENCY BALANCE	\$4,185,455.00		
UNENCUMBERED PROJECT FUNDS	\$828,123.37		
ENCUMBERED/EXPENDED TOTAL	\$101,481,421.63	\$69,579,905.38	\$31,901,516.25
<b>TOTAL</b>	<b>\$108,495,000.00</b>		

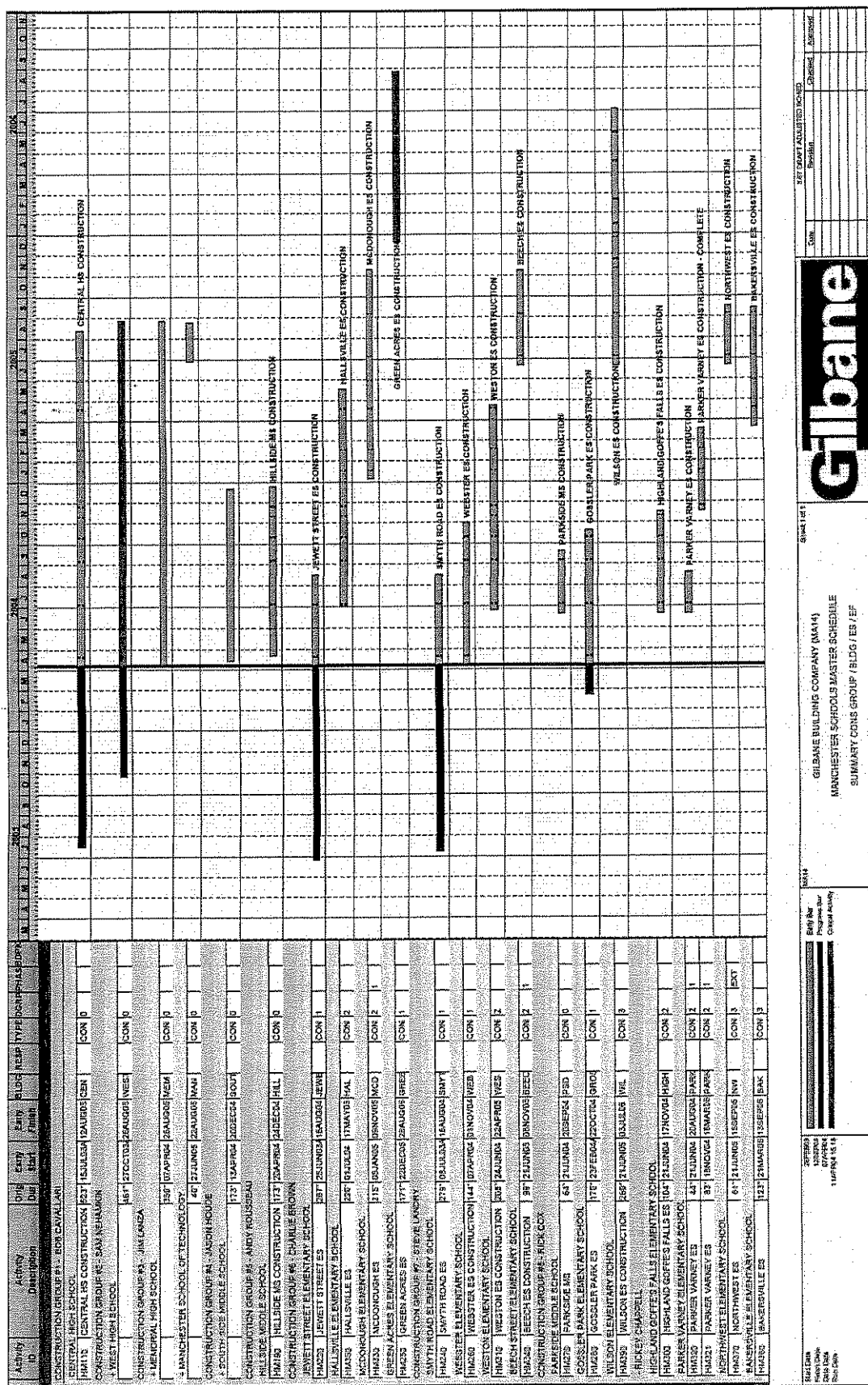
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Gilbane  
220 South Jewett Street  
Manchester, NH 03103  
Telephone 603-644-3313  
Fax 603-644-3314  
E-mail 603-644-3315



July 20, 2004

Manchester Schools' Design Build Employment Committee  
c/o Gilbane Building Company  
220 South Jewett Street  
Manchester, NH 03103

Reference: Manchester City-Wide Schools Project  
Manchester, NH  
Gilbane Project No. 11-3387-000  
Manchester Resident Report – July, 2004

Dear Sirs/Madam:

Attached is our resident requirement report for the Manchester City-Wide Schools Project which includes reported data through 07/20/2004.

Page 1 includes monthly detail of subcontractors reported data. Please note that if any field is "blank", either the data is as yet unreported or the subcontractor has not yet begun work. If the subcontractor is "highlighted", they have completed their work and we have closed their contract. Page 2 is a summary by subcontractor of their goals vs. actual performance with the overall job percentage totals reported at the bottom.

Should you have any questions regarding this submittal, please do not hesitate to contact me at 603-644-3313 ext. 209.

Regards,

Robert N. Richer  
Project Accountant

Enclosures





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Manchester City-Wide Schools Project - Gilbane Job #11-3387-000

\*Reported Residency Data

As of July 20, 2004

Total Hours vs. Manchester Resident Hours

	Jul-03 Thru Feb-04 Resident Hrs.	Jul-03 Thru Feb-04 Total Hours	Mar-04 Resident Hours	Mar-04 Total Hours	Apr-04 Resident Hours	Apr-04 Total Hours	May-04 Resident Hours	May-04 Total Hours	Jun-04 Resident Hours	Jun-04 Total Hours	Jul-04 Resident Hours	Jul-04 Total Hours	Aug-04 Resident Hours	Aug-04 Total Hours	Sep-04 Resident Hours	Sep-04 Total Hours	To Date Resident Hours	To Date Total Hours
Hayward Baker	69.50	1,514.00															69.50	1,514.00
Francis Harvey & Sons	2,502.50	10,472.00	547.00	3,664.50	337.00	1,524.50	768.00	3,495.50	698.50	2,814.50	145.50	493.00					4,998.50	22,464.00
HCI Craftsmen	20.50	27.50															20.50	27.50
Hampshire Fire Protection	290.00	1,020.00	166.50	2,540.70	52.00	951.50	93.00	546.00	189.50	605.00							791.00	5,703.20
Interstate Electric	750.50	3,677.00	1,241.00	5,470.00	982.50	3,360.00	1,330.00	4,138.50	1,762.00	5,748.50							6,066.00	22,394.00
ACT Abatement	0.00	855.00	0.00	68.00	0.00	131.00	0.00	0.00	0.00	9.00							0.00	1,063.00
A & E Flooting	190.00	965.50	0.00	0.00	60.00	346.00	8.50	40.00	40.00	97.25	40.00	40.00					338.50	1,488.75
Essex Newbury & Sub	0.00	971.50	0.00	122.00	0.00	371.00	0.00	622.00	0.00	217.00							0.00	2,303.50
George R. Cairns & Subs.	572.00	5,382.00	0.00	868.00	288.00	1,071.00	218.00	1,503.00	119.00	677.00							1,197.00	9,501.00
C.P. Blouin	80.00	210.50	60.00	505.00	547.50	1,371.00	483.00	2,208.75	822.00	3,620.50	315.00	975.50					2,307.50	8,895.25
Consolidated Electric	478.00	3,860.50	120.00	1,620.00	0.00	1,340.00	0.00	1,022.00	0.00	944.00							598.00	8,785.50
American Steele	0.00	75.50	0.00	75.50	0.00	95.50	0.00	0.00	0.00	0.00	0.00	0.00					0.00	245.50
Iaccarino & Sons	0.00	71.00	0.00	0.00	0.00	0.00											0.00	71.00
Northern Plaster Works			0.00	80.00	0.00	584.00	0.00	360.00									0.00	1,024.00
Francis H. Maroney	0.00	684.00	580.00	4,075.50	160.00	1,678.00	160.00	1,273.00	724.00	4,803.00	216.00	734.00					1,850.00	13,247.50
Johnson Controls, Inc.			48.00	48.00	28.00	91.00	24.00	135.00									100.00	274.00
Youngblood Co., Inc.	36.00	52.00	220.00	460.00	26.00	1,005.50	270.00	902.50									552.00	2,421.00
Novel Iron Works, Inc.	0.00	3,060.50	0.00	2,915.50	0.00	1,262.50	0.00	747.50	0.00	703.00							0.00	8,719.00
Northeast Masonry, Inc.	48.00	789.50	81.50	755.50	40.00	832.00	176.00	4,154.00	5.00	5.00							350.50	6,537.00
King Painting	0.00	700.00			0.00	1,580.00	0.00	1,669.00	0.00	3,909.00	0.00	2,616.00					0.00	10,574.00
Premier Caulking	52.50	123.50															52.50	123.50
Kel Rick Construction			197.00	969.00	205.50	1,034.50	360.50	2,343.00	136.50	3,788.00	0.00	791.00					899.50	8,925.50
Skyline Roofing	217.50	298.00	59.00	104.00	465.75	829.75	229.00	367.75	764.50	1,494.50							1,735.75	3,094.00
New Hampshire Glass	80.00	174.00	0.00	37.00	2.00	2.00	48.00	126.50	114.00	371.00							242.00	710.50
Stateline Acoustical Ceilings	0.00	23.00	0.00	0.00	0.00	70.50											0.00	93.50
Chamberlain Companies, Inc.																	0.00	0.00
Pine State Elevator							0.00	50.00	0.00	52.00							0.00	102.00
Hate to Paint/Stain?			292.50	292.50	535.00	535.00	516.25	548.75	544.75	544.75	144.00	186.00					2,032.50	2,107.00
Dec-Tan Corporation																	0.00	0.00
Twin Brooks Environmental																	0.00	0.00
Major Theatre Equipment																	0.00	0.00
Air Quality Experts, Inc.																	0.00	0.00
ABC Flooring Specialists																	0.00	0.00
Tucker Library Interiors																	0.00	0.00
American Sport Floors																	0.00	0.00
Northeast Interior Systems																	0.00	0.00
Plicher Associates																	0.00	0.00
Ahern Painting Co., Inc.																	0.00	0.00
Allegheny Contract Flooring																	0.00	0.00
F.A. Gray, Inc.																	0.00	0.00
Veterans Scaffold Services																	0.00	0.00
Monthly Totals	5,397.00	35,036.50	3,622.50	24,671.70	3,729.25	20,207.25	4,682.25	26,252.75	5,919.75	30,403.00	860.50	5,839.50	0.00	0.00	0.00	0.00	24,211.25	142,410.70
Total Manchester Hrs.	24,211.25																	
Total Labor Hours	142,410.70																	
% of Manchester Hours	17.00%																	

\* Blank Field Equals No Data Reported That Month

Highlighted Subcontractors are Closed Out





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**Manchester City-Wide Schools Project - Gilbane Job #11-3387-000**

**Goals Vs. Actual Percentage Schedule Of Reported Hours**

*As of July 20, 2004*

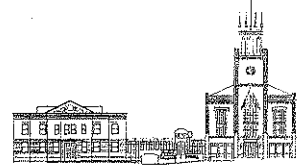
	<u>CUMULATIVE</u> <u>MANCHESTER HRS</u>	<u>CUMULATIVE</u> <u>TOTAL HOURS</u>	<u>GOAL PERCENTAGE</u> <u>MANCHESTER HOURS</u>	<u>ACTUAL PERCENTAGE</u> <u>MANCHESTER HOURS</u>
Hayward Baker	69.50	1,514.00	5.00%	4.59%
Francis Harvey & Sons	4,898.50	22,464.00	15.00%	22.25%
HCI Craftsmen	20.50	27.50	50.00%	74.55%
Hampshire Fire Protection	791.00	5,703.20	10.00%	13.87%
Interstate Electric	6,068.00	22,394.00	5.00%	27.09%
ACT Abatement	0.00	1,063.00	0.00%	0.00%
A & E Flooring	338.50	1,488.75	2.00%	22.74%
Essex Newbury	0.00	2,303.50	0.00%	0.00%
George R. Cairns	1,197.00	9,501.00	5.00%	12.60%
C.P. Blouin	2,307.50	8,895.25	20.00%	25.94%
Consolidated Electric	598.00	8,786.50	5.00%	6.81%
American Steele	0.00	246.50	0.00%	0.00%
Iaccarino & Sons	0.00	71.00	0.00%	0.00%
Northern Plaster Works	0.00	1,024.00	0.00%	0.00%
Francis H. Maroney	1,850.00	13,247.50	15.00%	13.96%
Johnson Controls, Inc.	100.00	274.00	50.00%	36.50%
Youngblood Co., Inc.	552.00	2,421.00	15.00%	22.80%
Novel Iron Works, Inc.	0.00	8,719.00	0.00%	0.00%
Northeast Masonry	350.50	6,537.00	5.00%	5.36%
King Painting	0.00	10,574.00	10.00%	0.00%
Premier Caulking	62.50	123.50	0.00%	50.61%
Kel-Rick Construction	899.50	8,925.50	5.00%	10.08%
Skyline Roofing	1,735.75	3,094.00	10.00%	56.10%
New Hampshire Glass	242.00	710.50	15.00%	34.06%
Stateline Acoustical Ceilings	0.00	93.50	0.00%	0.00%
Chamberlain Companies	0.00	0.00	5.00%	
Pine State Elevator	0.00	102.00	0.00%	0.00%
Hate to Paint/Stain?	2,032.50	2,107.00	80.00%	96.46%
Dec-Tam Corporation	0.00	0.00	0.00%	
Twin Brooks Environmental	0.00	0.00	0.00%	
Major Theatre Equipment, Inc.	0.00	0.00	0.00%	
Air Quality Experts, Inc.	0.00	0.00	0.00%	
ABC Flooring Specialists	0.00	0.00	10.00%	
Tucker Library Interiors	0.00	0.00	0.00%	
American Sport Floors	0.00	0.00	0.00%	
Northeast Interior Systems	0.00	0.00	0.00%	
Pitcher Associates	0.00	0.00	20.00%	
Ahern Painting Co., Inc.	0.00	0.00	0.00%	
Allegheny Contract Flooring	0.00	0.00	0.00%	
F.A. Gray, Inc.	0.00	0.00	0.00%	
Veterans Scaffold Services	0.00	0.00	0.00%	
<b>TOTALS</b>	<b>24,211.25</b>	<b>142,410.70</b>		
<b>OVERALL PERCENTAGE</b>	<b>17.00%</b>			

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# CITY OF MANCHESTER

## Office of the City Clerk



Leo R. Bernier  
City Clerk

Carol A. Johnson  
Deputy City Clerk

Paula L-Kang  
Deputy Clerk  
Administrative Services

Matthew Normand  
Deputy Clerk  
Licensing & Facilities

Patricia Piecuch  
Deputy Clerk  
Financial Administration

### MEMORANDUM

To: Thomas Clark, City Solicitor

From: Valerie Fysh, City Clerk's Office *VF*

Date: June 24, 2004

Subject: Joint School Building Committee  
Request for Additional Information

On June 22, 2004, the Committee voted to request further information from your office with regard to the proper charging of the cost of the new stairwells at Southside and Hillside Elementary Schools. The Committee has asked for an in depth explanation of what documents were reviewed and how the opinion of charging the \$381,106 to the contingency account was reached.

The Committee has asked that the explanation be forwarded to them prior to their next meeting on July 27<sup>th</sup> and should be received in the City Clerk's office by Wednesday, July 21<sup>st</sup> to be included in the agenda.

I have attached a copy of the original opinion from your office, as well as a copy of the draft minutes of the June 22<sup>nd</sup> meeting.

Please contact me should you have any questions.

Attachment

pc: Frank Thomas  
Tim Clougherty



**City of Manchester  
Office of the City Solicitor**

One City Hall Plaza  
Manchester, New Hampshire 03101  
(603) 624-6523 Fax (603) 624-6528  
TTY: 1-800-735-2964  
Email: [solicitor@ci.manchester.nh.us](mailto:solicitor@ci.manchester.nh.us)

Thomas R. Clark  
City Solicitor

Thomas I. Arnold, III  
Deputy City Solicitor

Daniel D. Muller, Jr.  
Kenneth R. Bernard  
Michele A. Battaglia  
Marc van Zanten

July 16, 2004

Joint School Building Committee  
c/o City Clerk  
One City Hall Plaza  
Manchester, NH 03101

Dear Committee Members:

This letter is in response to the request of the Committee of June 22, 2004 for additional information related to the allocation of the cost of the new stairwells at Southside and Hillside Middle Schools.

This item originally came before this Committee at its meeting in April, 2004. It was then extensively discussed at the Committee meeting of May 5, 2004. At that time it was the recommendation of the Highway Department that the change order be approved and a transfer be made from the project contingency account. That recommendation was made with the concurrence of the department's consultant.

This matter was subsequently referred to the Board of Mayor and Aldermen and discussed at its meeting of May 18, 2004. (Minutes attached) At that meeting, the matter was explained to the Board of Mayor and Aldermen by Frank Thomas.

This matter was addressed further by letter from Timothy Clougherty to the Board of Mayor and Aldermen. (Copy attached)

In my review of the matter, I met with Frank Thomas and Timothy Clougherty. At that meeting, we discussed what had transpired before the Committee. We also discussed what analysis was conducted by the Highway Department in arriving at the recommendation to utilize the project contingency fund for those change orders. Those discussions naturally involved a discussion of the purpose of the design/build program, the RFP process and the contract documents.

My review then moved to an analysis of the RFP documents and the underlying workings of a design/build project.

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Joint School Building Committee  
c/o City Clerk  
July 16, 2004  
Page 2.

A design/build project is one that evolves over time. It is distinct from a construction management project that could include a guaranteed maximum price and from regular competitive bid projects where all required documents are prepared prior to the bid. The evolving nature of a design/build project is one of the main reasons that contingency accounts are normally in greater amounts and are used more frequently.


In this instance, the City, through its consultants and various departments prepared baseline drawings to be included in the RFP made up of 5 volumes. On page 10 of the RFP it is stated "Additions are to be constructed at the five school locations as noted in Section 10. In the Project Manual you will find representative floor plan layouts for these additions, as well as geo-technical reports, contours, narratives, and specifications for materials and methods included in the first phase. You will also find the Design / Build Agreement and General Conditions for the project in the Project Manual. These are intended to be used as the basis for your proposal and internally for our proposal comparison purposes." It is clear that the proposers were to rely upon those documents in coming up with their proposal. Gilbane did rely on those documents.

It is the opinion of this office that after a review of the RFP, the minutes of the various meetings and analyzing the recommendation and position of the Highway Department that this cost was one that fell properly within the parameters for which the contingency account was established. This office will continue to monitor the project with the Highway Department. If facts arise in the future that would have any effect on this opinion, they will be brought to the Committee.

It is my understanding that the Committee is scheduled to meet on July 27, 2004. I have advised Chairman Herbert that I will be away on a previously scheduled vacation at that time. If the Committee would like to discuss this further, I will be available for the meeting in August.

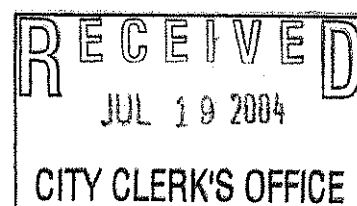
If you have any questions, feel free to contact me.

Very truly yours,

  
Thomas R. Clark  
City Solicitor

TRC/hr

cc: Frank Thomas, Public Works Director  
Timothy Clougherty, Facilities Engineer  
Committee Members



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**City of Manchester**  
**Department of Highways**  
227 Maple Street  
Manchester, New Hampshire 03103  
(603) 624-6444

July 13, 2004

Board of Mayor and Aldermen  
City Hall  
Manchester, New Hampshire 03103

Dear Honorable Board Members:

At the recent BMA meeting held on April 6, 2004, some inquiries were made relative to anticipated costs for stairwell construction at Southside and Hillside Middle Schools. As reported to the Joint School Building Committee, these costs are expected to be in the range of \$400,000.

The reason these additional costs exist has to do with the competitive selection process and the need (at the time) to insure proposal uniformity between the Design Build candidates. In order to accomplish this, the Department issued a Request For Proposals (RFP) which contained 'baseline' drawings for the additions to all schools. Both candidates were directed to price their proposals in accordance with these drawings.

The drawings were developed by our consultant, Parsons Brinckerhoff, after consultation with the Manchester School District, the State Fire Marshals' office, the Manchester Fire Department, and the Manchester Building Department. The plans developed for the additions to Southside and Hillside Middle Schools did not call for stairwells as the need was not foreseen by any of the parties involved.

Once the contract was awarded, intensive design development took place. This included analysis of all building exits and paths of egress, as well as building occupant counts. During this process it was discovered that the paths of egress available, at the two schools in question, when combined with the additional building area and corresponding occupancy, proved to be insufficient. This created the need to construct new stairwells at these locations. Because these stairwells were not included in our original 'baseline' drawings, Gilbane is justified in asking for additional compensation for such construction.

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The design process for all twenty-one schools contained in the program is nearing completion and this is the only instance identified where we have encountered such a circumstance. We are confident that we will not see any further cost impact due to code related issues such as this.

If I can be of further assistance please do not hesitate to contact me.

Sincerely,

Timothy J. Clougherty  
Facilities Engineer

cc/Kevin A. Sheppard, P.E.  
Frank C. Thomas, P.E.

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me I'd wish you'd put more money toward it. So, there's a little misconception that only certain sections of the City are getting this and it's discriminating against other sections. I don't agree with that at all.

Alderman Guinta request to move on the question. Alderman Garrity duly seconded the motion. Aldermen Gatsas, Osborne and DeVries duly recorded in opposition.

Mayor Baines called for a vote on the motion to accept, receive and adopt a report of the Committee on Community Improvement. The motion carried with Aldermen Gatsas, Osborne and DeVries duly recorded in opposition.

**Report of the Committee on Joint School Buildings:**

- O. Advising that it has authorized an expenditure of up to \$381,106 from the School Facilities Improvement Project's contingency account to cover costs associated with the addition of constructing two stairwells in the additions at Southside and Hillside Middle Schools. The Committee further notes that it has referred this matter to the City Solicitor for a ruling as to who is responsible for funding.

Alderman Gatsas asked is there someone here that can explain how somebody missed two staircases.

Mr. Thomas replied as part of the School Design/Build process what we did in order to have all the proposers bidding on a base package instead of base line drawings that were developed by Parsons-Brinkerhoff...in conjunction with the Manchester School District, the State Fire Marshal's office, the Manchester Fire Department, and the Manchester Building Department...at that time all these different groups and parties did not feel that there would be a need for these at two schools Southside and Hillside Middle Schools. As Gilbane got into the actual design of these facilities and did an analysis as far as the exits, pathways of egress, the occupancy and whatnot it was determined that the existing

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exits were not sufficient to handle the capacity. As a result, there was a need to add staircases. Now, this cannot be a fault of the Design/Build, the contractor because he was working off these base plans that had basically the concurrence of all the different agencies that I had mentioned, but once this detailed analysis was done after the designs were completed there was a need to add these additional staircases in order to provide safe exiting for the students.

Alderman Gatsas stated, Frank, I find it very difficult to understand that the Building Department, the Fire Department and all the others that you named looked at those plans and understood that the egress and service to those buildings were fine.

Mr. Thomas stated there wasn't at that time a detailed capacity analysis done of exiting in an emergency situation. Again, what was looked at were the plans and everybody that I had mentioned kind of gave their stamp of approval and a fact that they were reviewing something that didn't have all the detail analysis done to it at the time.

Alderman Gatsas stated it's very difficult for me to understand that the Fire Marshal at the State level would even think about approving a plan without understanding...

Mr. Thomas stated the plans weren't approved...again, these were base line drawings basically showing what was being proposed in order for everybody to propose equally on them. They weren't finished design drawings that you would normally have prior to go on out in the normal design bid process. So, they were base drawings with an area of additions shown on the plans, the existing egresses were shown on the plans but as I mentioned these weren't final detailed design plans by a professional that had capacity analysis done to it.

Alderman Gatsas asked of that \$381,000 how much of that is contingency?

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Mr. Thomas replied it's all contingency.

Alderman Gatsas asked no, no...contingency on the \$381,000 because the plans you brought before us the last time for a million and change had \$100,000 worth of contingency. How much contingency is on top of this number?


Mr. Thomas replied I don't know how to respond to that I'd have to get back to you on that. As far as I know this is the cost for constructing these two sets of stairs.

Alderman Gatsas stated the last time the proposal came before us for abatement on the asbestos there was \$100,000 of contingency in that plan.

Mr. Thomas stated it could have been because again asbestos abatement is not a quantifiable number until you get in there and start removing it. I think as far as the construction of the stair towers with a completed design you can do a detailed takeoff and the cost is the cost. However, again not having the exact information that's just my off-hand opinion. I'll be glad to get details.

Alderman Thibault stated I would just like to respond to Alderman Gatsas if I might I sit on the Joint School Buildings Committee. What happened was that the contractor was here to explain to us exactly what happened and the Joint School Committee agreed with him that there was a flaw in the design/build and it would not handle the capacity for the increase in these two schools which is why we went along with it. When you talk about contingency I believe that in that overall school plan there's about a million dollars in contingency and I believe after that we end up with about \$700,000 in contingency on the whole school project.

Mayor Baines stated a motion would be in order to accept the report.



Alderman Thibault moved to accept, receive and adopt a report of the Committee on Joint School Buildings. Alderman Forest duly seconded the motion.

Alderman Porter stated this was noted that the matter was referred to the City Solicitor for a ruling as to who was responsible for funding...could I direct that to the Solicitor, please.

Deputy City Solicitor Arnold stated Mr. Clark has met with both Mr. Thomas and Mr. Tim Clougherty...he's busy at this point formulating an opinion and has not yet arrived at one yet.

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

**Report of the Committee on Traffic/Public Safety:**

Q. Recommending that:

- 1) the current Center of NH Garage Operating Agreement be extended to June 30, 2004; and
- 2) the Operating Agreement renewal effective July 1, 2004, enclosed herein, be accepted; and
- 3) the Mayor be authorized to execute said agreement subject to review and approval of the City Solicitor.

Alderman Lopez stated if I'm reading this right I'll refer to the City Solicitor because I think he worked on this...I noted some conversations back awhile ago that we're paying half under Number 11, Article 5 paragraph 5.5...I know there's been some discussion as to why we're paying half of the cost and if I'm reading this correctly and correct me if I'm right or wrong...if I'm correct we're going to pay half.

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**City of Manchester  
Office of the City Solicitor**

RECEIVED  
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Thomas R. Clark  
City Solicitor

Thomas I. Arnold, III  
Deputy City Solicitor

Daniel D. Muller, Jr.  
Kenneth R. Bernard  
Michele A. Battaglia  
Marc van Zanten

June 21, 2004

Joint School Building Committee  
c/o City Clerk  
904 Elm Street  
Manchester, NH 03101

Dear Committee Members:

Pursuant to the action of the Committee on May 18, 2004, this office has reviewed where the cost of the new stairwells at Southside and Hillside should be allocated.

To this end, I have reviewed the contract documents and discussed the matter with Frank Thomas and Timothy Clougherty. Based upon that review, it is the opinion of this office that the costs were properly charged to the contingency account.

If I can be of any further assistance, feel free to contact me.

Very truly yours,

Thomas R. Clark  
City Solicitor

TRC/hr

cc: Frank Thomas, Public Works Director  
Timothy Clougherty, Facilities Engineer

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